

**REMARKS**

Claims 1, 3-12, 14, and 17-21 remain in this application.

Claims 2, 13, 15, and 16 have been canceled without prejudice to Applicant's right to claim this subject matter hereafter, including in further applications.

New claim 21 has been added. No new matter is added.

**Claim Objections**

The present Action states that claims 6, 10, 11, and 17 are "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicant notes with gratitude the Action's acknowledgement of allowable subject matter.

Claim 17 has been rewritten in independent form including all of the limitations of the original base claim and any intervening claims. Applicant therefore respectfully submits that this claim is in immediate condition for allowance.

**Claim Rejections**

In the present Action, claims 1-4 and 12 have been rejected as anticipated by U.S. Pat. No. 6,256,820 to Moser et al. ("Moser"). Although the Applicant respectfully disagrees with the Action's treatment of Moser, the Applicant submits it is largely unnecessary to address this disagreement in light of the amendments to the claims.

In the present Action, claim 2 has been rejected as anticipated by Moser, but Applicant respectfully suggests that, as acknowledged by other statements in the Action, this is not the case. Claim 1 has now been amended to include all of the limitations of claim 2, and recites, among other things, the limitation that "each spring coil is unattached to adjacent spring coils along a top half of that spring coil." As acknowledged in another portion of the Action, "Moser et al. '820 do not specifically disclose a condition wherein a top portion of each spring coil is

unadhered to any adjacent spring coil.” (See Action at page 3, paragraph 6.) Applicant respectfully submits that, for at least this reason, Moser cannot anticipate the invention claimed in claim 1.

Because Moser cannot anticipate the invention in independent claim 1, as amended, for at least this reason it also does not anticipate claim 3 (which depends from claim 1), or claim 4 (which depends from claim 3, which, in turn, depends from claim 1).

Claim 12 has now been amended to recite the limitation that “each spring coil is unattached to adjacent spring coils along a top half of that spring coil.” As acknowledged in another portion of the Action, “Moser et al. ‘820 do not specifically disclose a condition wherein a top portion of each spring coil is unadhered to any adjacent spring coil.” (See Action at page 3, paragraph 6.) Applicant respectfully submits that, for at least this reason, Moser cannot anticipate the invention claimed in claim 12.

In the present Action, claims 1, 7-9, 12, and 18-20 have been rejected as anticipated by U.S. Pat. No. 2,480,158 to Owen (“Owen”). Although the Applicant respectfully disagrees with the Action’s treatment of Owen, the Applicant submits it is unnecessary to address this disagreement in light of the amendments to the claims.

Claim 1 has been amended to include all of the limitations of claim 2, and recites, among other things, the limitation that “each spring coil is unattached to adjacent spring coils along a top half of that spring coil.” The Action does not reject claim 2 as anticipated by Owen, and Owen does not teach or suggest the limitations of amended claim 1, including the limitation that “each spring coil is unattached to adjacent spring coils along a top half of that spring coil.” Applicant respectfully submits that, for at least this reason, Owen cannot anticipate the invention claimed in claim 1.

Because Owen cannot anticipate the invention in independent claim 1, as amended, for at least this reason it also does not anticipate claim 7 (which depends from claim 1), or claims 8 or 9 (which depend from claim 7, which, in turn, depends from claim 1).

Claim 12 has now been amended to recite the limitation that “each spring coil is unattached to adjacent spring coils along a top half of that spring coil.” Owen does not teach or suggest the limitations of amended claim 12, including the limitation that “each spring coil is unattached to adjacent spring coils along a top half of that spring coil.” Applicant respectfully submits that, for at least this reason, Owen cannot anticipate the invention claimed in claim 12.

Claim 18 has been amended to depend from claim 17, which the Action indicated would be allowable if rewritten in independent form including all of the limitations of the original base claim and any intervening claims. Because Owen does not anticipate the invention claimed in amended claim 17, for at least this reason Owen does not anticipate claim 18, which depends from claim 17.

Claim 19 has been amended to recite the limitation of “enclosing the plurality of spring coils in one or more upholstery layers without attaching a top half of any one of the plurality of spring coils to any other one of the plurality of spring coils.” Owen does not teach or suggest the limitations of claim 19, including this limitation. Applicant respectfully submits that, for at least this reason, Owen cannot anticipate the invention claimed in claim 19.

Because Owen cannot anticipate the invention in independent claim 19, for at least this reason it also does not anticipate claim 20, which depends from claim 19.

The present Action rejects claim 14 as anticipated by U.S. Pat. No. 2,148,961 to Pleet (“Pleet”). Applicant believes this is in error. In independent claim 14 Applicant claims a mattress comprising a plurality of spring coils each having a top and a bottom, where the plurality of spring coils are arranged adjacent to one another to form a planar top surface along

the tops thereof and a planar bottom surface along the bottoms thereof, with a third planar surface forming a center line between the planar top surface and the planar bottom surface, and where the plurality of spring coils are maintained in fixed relation to one another below the center line such that the top of each one of the plurality of spring coils may move independently perpendicular to the top planar surface with respect to each other one of the plurality of spring coils.

Pleet, in contrast, states that is directed to seat and back structures for furniture, including “an improved spring structure,” and discloses “runners” of springs which are pivotally connected together, such that the runners will bend at the joints between the springs to accommodate distortion of the cushioned surface. (See, for example, Pleet at page 1, second column, ll. 3-10, 32-38 (“the runner 16 will tend to bend at the joints between the units 22 for accommodating distortion of the cushioned seat back”); *id.* at page 2, first column, ll. 17-42; Figs. 1-5.)

Nowhere does Pleet teach or suggest a mattress comprising a plurality of spring coils, each with a top and bottom, with the plurality of spring coils arranged adjacent to one another to form a planar top surface along the tops thereof and a planar bottom surface along the bottoms thereof, with a third planar surface forming a center line between the planar top surface and planar bottom surface, and where the plurality of spring coils are maintained in fixed relation to one another below the center line. Applicant thus submits that Pleet cannot anticipate the invention claimed in claim 14.

The present Action rejects original claim 5, now rewritten as new independent claim 21, as obvious over Moser in view of U.S. Pat. No. 6,143,122 to Mossbeck et al. (“Mossbeck”). Newly added claim 21 recites, among other things, the limitation that “a top portion of each spring coil is unadhered to any adjacent spring coil.” The Action concedes that “Moser et al.

'820 do not specifically disclose a condition wherein a top portion of each spring coil is unadhered to any adjacent spring coil," but states that:

Mossbeck et al. '122 provide the basic teaching of a mattress core assembly (10) comprising a plurality of pocketed coils (14) joined together by an adhesive pattern (22) which is 'generally located on the equator of [each] pocketed coil spring' (see Figure 1D and column 5, lines 17-39). The skilled artisan would have found it obvious at the time the invention was made to provide the mattress of Moser et al. '820 with an assembly wherein a top portion of each spring coil is unadhered to any adjacent spring coil in order to 'produce a greater bonding strength between the adjacent strings of pocketed coil springs [since] the central portion of each spring is typically the primary contact region between the strings of springs,' thereby ensuring enhanced user comfort and support (see Mossbeck et al. '122, column 3, lines 33-41).

Applicant respectfully submits that this is a misapplication of Mossbeck's explicit teachings to reconstruct through hindsight Applicant's invention.

While the Action suggests that Mossbeck discloses "an adhesive pattern (22) which is 'generally located on the equator of [each] pocketed coil spring,'" what Mossbeck actually teaches as "generally located on the equator of [each] pocketed coil spring" is not adhesive pattern 22, but instead a region 26 of greater concentration of adhesive within adhesive pattern 22 where the initial point of contact between strings of pocketed coil springs is expected:

The adhesive pattern 22 on the side surface 20 of the strings 12 of pocketed coil springs 14 in one form shown in FIG. 1D is preferably located generally equidistance [sic] between the longitudinal ends 18 of the pockets 14 and is continuous across the side surface 20 of the pocketed springs. The adhesive pattern 22 of FIG. 1D includes a region 26 of greater concentration of adhesive on each pocketed coil spring 14 which is located generally equidistance [sic] from the adjacent pocketed coil springs 14 of the string 12 or on the tangent of the pocketed coil spring 14. In other words, the region 26 of greater concentration of adhesive is generally located on the equator of the pocketed coil spring 14 and on a line perpendicular to the longitudinal axis of the string so that when the pocketed spring 14 is forced into contact with a similar shaped spring, the initial point of contact between them includes the region of greater concentration of adhesive 26 to thereby securely bond the strings 12 of pocketed coil springs 14 together.

(See Mossbeck, col. 5, ll. 18-35, and Fig 1D (emphasis added)).

Similarly, the Action's suggestion that it would be obvious to combine Moser with a purported teaching in Mossbeck of an adhesive pattern generally located on the equator of each

pocketed coil spring to “produce a greater bonding strength between the adjacent strings of pocketed coil springs [since] the central portion of each spring is typically the primary contact region between the strings of springs” again misreads Mossbeck, which in the quoted discussion actually teaches a larger region of adhesive bonding extending beyond a “central portion” of the spring, and an extra deposit of adhesive at the “central portion”:

In a still further presently preferred embodiment of the invention, the spray pattern on the string of pocketed coil springs is continuous and includes a greater amount of adhesive deposited on the central portion of each coil spring relative to the remainder of the adhesive pattern. This produces a greater bonding strength between the adjacent strings of pocketed coil springs because the central portion of each spring is typically the primary contact region between the strings of springs.

(See Mossbeck, col. 3, ll. 35-42, 49-54 (emphasis added).) Thus, Applicant respectfully submits that the Action’s obviousness rejection is based on non-existent teachings from Mossbeck that are actually contradicted by Mossbeck’s explicit language, and that the rejection is in error. Moser and Mossbeck, whether alone or in combination, do not anticipate the invention in claim 21.

Applicant believes pending claims 1, 3-12, 14, and 17-21 are in immediate condition for allowance.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P01-105 from which the undersigned is authorized to draw.

If any issues remain, Applicant invites a telephone call and or Examiner Interview to the below signed attorney to discuss such remaining issues.

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Respectfully submitted,

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